

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	No. 20-05008-RK
	)	
TERRY L. MIKSELL,	)	
	)	
Defendant.	)	

**MOTION FOR JUDGMENT OF ACQUITTAL**  
**AT THE CLOSE OF ALL EVIDENCE**

Comes now Defendant, Terry Miksell, by and through counsel, at the close of all evidence, and moves for a judgment of acquittal for the following reasons:

1. The government has failed to prove all of the elements of the crime alleged in each Count of the Indictment/Information.
2. The evidence fails to establish the corpus delicti.
3. The evidence fails to establish that the alleged offenses, if any, were committed by the defendant if at all knowingly or willingly.
4. Accepting as true all the evidence, whether circumstantial or direct, together with all favorable inferences drawn therefrom, the evidence is insufficient as a matter of law to support a finding of guilt.
5. The evidence is in such conflict in material respects that it fails to establish the guilt of the defendant of the offense charged beyond a reasonable doubt.
6. The information does not state facts sufficient to constitute an offense against the United States of America.
7. The evidence does not demonstrate that Defendant knowingly committed the offenses for which he is charged.

8. The government has failed to establish by proof which comes up to the requirements for submission to the jury in a criminal case that the defendant committed the alleged offense(s).

WHEREFORE, defendant prays for an Order of this Court entering a Judgment of Acquittal at the Close of All Evidence, and for such further relief as deemed necessary by the Court.

Respectfully submitted,

By: /s/ Brian D. Risley  
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Attorney for the Defendant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 29<sup>th</sup> day of March, 2022, the foregoing document was handed to US Attorney James J. Kelleher as well as filed via electronic filing using the CM/ECF system with the Clerk of the Court which sent e-mail notification of such filing to all CM/ECF participants in this case.

/s/ Brian D. Risley  
Brian D. Risley